0501-1058

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(JFW)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re application of

Michel SAFARS et al.

Serial No. 09/132,327

Filed August 11, 1998

METHOD FOR ORGANIZING AND
CONSULTING ELECTRONIC DATA IN
THE ENVIRONMENT OF A MEDIA LIBRARY

Conf. No. 9217

Appeal No. _____

GROUP 2178

Examiner Cesar B Paula

**APPEAL BRIEF**

MAY IT PLEASE YOUR HONORS:

1.   Real Party in Interest

    The real party in interest in this appeal is the current
assignee, Keeboo Corporation of Redwood City, California.


2.   Related Appeals and Interferences

    None.


3.   Status of Claims

    Claims 62-78 were rejected and are the subject of the
present appeal.  Claims 1-61 have been canceled.

4. Status of Amendments

No amendments were filed following the Final rejection of January 7, 2005.

5. Summary of Claimed Subject Matter

The invention is a method of organizing electronic documents in an electronic book using page applets (denoted "pagelets") to organize the electronic documents. The specification begins with a discussion of electronic documents and electronic books and includes the description of the pagelets on pages 41-47, which pages are particularly relevant to the present appeal. As explained at page 41, lines 11-27, a pagelet is a page that is added to an electronic book and whose operation accesses and alters the structure of the electronic book.

The inventive method of independent claim 75 includes the steps of organizing a multiplicity of electronic documents using a book metaphor so that the documents are arranged as pages in chapters in an electronic book (shown, for example in Figure 4 and discussed beginning at page 6, line 12); adding to the electronic book further pages that have a common architecture and that are each usable in other electronic books (the further

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pages are the pagelets discussed at pages 41-47), where the pagelets access and alter a structure of the electronic book when operated; and performing the specific functions of the pagelet in the electronic book.

The pagelets are computer programs that perform different specific functions related to the electronic documents in the electronic books in which the pagelets are operated (see, for example, the five pagelets discussed at pages 43-44.) The specific functions access and alter the structure (or arrangement) of the electronic book. The pagelets are reusable software components that use standard interfaces independent of the computer languages being used (page 41, lines 21-26).

By way of further explanation, the pagelets are computer programs that appear as separate pages in an electronic book and that alter the structure of the book when operated. The pagelets may sit idle in a book until used and may be downloaded and added to a catalog of pagelets (with an appropriate description) or to the electronic book for use when needed (page 42, beginning at line 17).

The inventive method of independent claim 76 is similar to that of claim 75 and includes the steps of arranging a plurality of electronic documents in an electronic book in an arrangement

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in which the electronic documents are pages in chapters in the electronic book (shown, for example in Figure 4 and discussed beginning at page 6, line 12); adding to the electronic book one or more pagelets that are computer programs for altering the arrangement of the electronic book, where the pagelets have a common architecture so as to be usable in other electronic books and a standardized interface that is independent of computer languages used in the computer programs (pages 41-47); and altering the arrangement of the electronic book by executing one of the pagelets.

The inventive method of independent claim 78 is similar to that of claim 76 (except it include pagelet means, rather than pagelets) and includes the steps of arranging a plurality of electronic documents in an electronic book in an arrangement in which the electronic documents are pages in chapters in the electronic book (shown, for example in Figure 4 and discussed beginning at page 6, line 12); adding to the electronic book one or more pagelet means for altering the arrangement of the electronic book, where the pagelet means have a common architecture so as to be usable in other electronic books and a standardized interface that is independent of computer languages used in the computer programs (pages 41-47); and altering the

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arrangement of the electronic book by executing one of the pagelet means. The pagelet means refers to the pagelet (e.g., computer program) described at pages 41-47. Specific examples of pagelets are given at pages 43-46.

6.  Grounds of Rejection to be Reviewed on Appeal

Claim 75 was rejected under 35 U.S.C. 103 as unpatentable over ROBERTSON et al. 6,486,895 in view of SIDANA 6,081,829 and LEMAY et al. "Laura Lemay's Web Workshop, Javascript" (1996), hereinafter JAVASCRIPT.

Claims 76-78 were rejected under 35 U.S.C. 103 as unpatentable over ROBERTSON et al. in view of SIDANA, JAVASCRIPT, and GISH 6,233,620.

Claims 62-74 were rejected under 35 U.S.C. 103 as unpatentable over ROBERTSON et al. in view of SIDANA, JAVASCRIPT, GISH, and WEINBERG et al. 6,237,006 and FEIN et al. 5,924,108.

7.  Argument

Claim 75 is allowable because neither ROBERTSON et al. nor SIDANA disclose or suggest the claimed pagelets that alter the structure of the electronic book. The Examiner acknowledges

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that ROBERTSON et al. does not disclose the pagelets that are
computer programs that perform specific functions related to the
electronic documents, the specific functions accessing and
altering a structure of the electronic book and being distinct
from functions accessing contents referenced by the pages of the
electronic book. The Examiner relies on SIDANA for the
suggestion to add such pagelets to the electronic book in
ROBERTSON et al.

SIDANA discloses a technique for adding annotations to web
pages that do not change the web pages themselves (column 2,
lines 34-40). The annotations are stored on the user computer
and their contents are added to the web pages when the web pages
are recalled.

If one of skill in the art were to add the ability to make
annotations, such as suggested by SIDANA, to a page of a
ROBERTSON et al. electronic book, the annotations would appear
on particular pages but, significantly, would not alter the
structure of the electronic book. Everything in the electronic
book would be exactly the same, except a few words would be
added to the annotated pages. This is not an alteration of the
structure of the electronic book; it is merely the addition of
some content to particular pages of the book.

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In other words, there is no suggestion in SIDANA to add a page to the electronic book where the added page <u>alters a structure</u> of the electronic book. JAVASCRIPT does not make up for this shortcoming and thus one of skill in the art would not find the invention of claim 75 obvious in view of the suggested combination.

The Examiner has disagreed with this assertion (Official Action of January 7, 2005, paragraph 10), and states that SIDANA discloses the editing, adding, and deleting of annotations to web pages using functions or buttons, and indicates that these steps correspond to accessing and altering the structure of the electronic book as claimed. However, this response does not explain how editing, adding, and deleting of annotations to web pages alters the structure of the electronic book. Indeed, it would not. The annotations are stored on the user computer and their contents are added to the web pages when the web pages are recalled. Editing, adding and deleting these annotations would do no more than alter what appears on a page and have affect on the structure of the electronic book.

Claims 76-78 are allowable for the reasons given above. GISH does not make up for the shortcomings of the primary references noted above.

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Claim 77 is further allowable because it includes the additional steps of selecting pagelets and the adding the selected pagelets as a page to a catalog for the pagelets, where the added page includes a description of the pagelet that is readable by a user of the electronic book.

The Examiner acknowledges that the references do not disclose the step of adding the selected pagelet as a page to a catalog for the pagelets, but opines that this step would be obvious because ROBERTSON et al. disclose transferring the entire electronic book. The Examiner apparently regards the electronic book to be the catalog. However, this is not correct. The claimed catalog is a catalog of the pagelets.

The claim language avoids the Examiner's interpretation. The claim includes the steps of adding the selected pagelet to the catalog and copying the selected pagelet to the electronic book. For the claim to make sense, the catalog and the electronic book must be different things. There is nothing in the combination that suggests a separate catalog for the pagelets.

Claim 78 is further allowable because it includes an adding step for adding to the electronic book one or more pagelet means. Applicant invoked §112, sixth paragraph, when presenting

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this claim. The Examiner did not provide an explanation and rationale as to why the prior art elements are equivalent (MPEP §2183), and thus did not make a *prima facie* case of equivalence.

Further, it is believed that the prior art does not disclose equivalent features. The functions or buttons used in SIDANA are not equivalent to the pagelet means for altering the arrangement of the electronic book disclosed at pages 41-47 of the present application. The functions or buttons for editing, adding, and deleting annotations to web pages, which does not correspond to altering the structure of the electronic book as claimed herein.

Claims 62-74 are allowable for reasons given above for claim 75 from which they depend. The further references do not make up for the shortcomings noted above.


In view of this, it is believed that the rejections of record cannot be sustained and that the same must be reversed and such is respectfully requested.

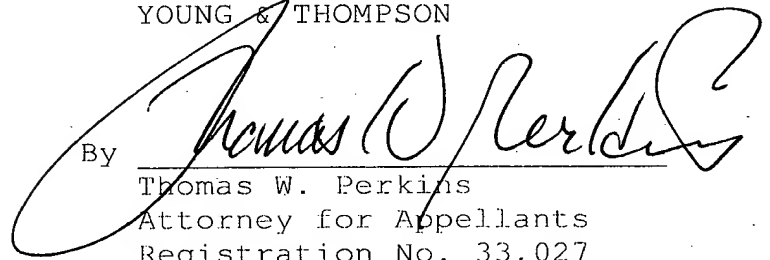The claims involved in the appeal are set forth in the Claims Appendix.

There are no copies of evidence in the Evidence Appendix.

There are no copies of decisions in the Related Proceedings Appendix.

Respectfully submitted,

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TWP:fb

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8. Claims Appendix

The claims on appeal:

62. The method of claim 75, wherein the specific functions of the pagelets are selected from among the functions consisting of indexing the pages, reorganizing the pages, searching the library, searching the internet and adding search results as new pages, preparing summaries of one or more of the pages, gathering data, performing statistical analyses, inserting new pages, providing user navigation information, and automatically updating the electronic book in response to automatic updates to the electronic documents.

63. The method of claim 62, wherein the pagelets index the pages.

64. The method of claim 62, wherein the pagelets reorganize the pages.

65. The method of claim 62, wherein the pagelets search the library.

66. The method of claim 62, wherein the pagelets search the internet and add search results as new pages.

67. The method of claim 62, wherein the pagelets prepare summaries of one or more of the pages.

68. The method of claim 62, wherein the pagelets gather

data.

69. The method of claim 62, wherein the pagelets perform statistical analyses.

70. The method of claim 62, wherein the pagelets insert new pages.

71. The method of claim 62, wherein the pagelets provide user navigation information.

72. The method of claim 62, wherein the pagelets automatically update the electronic book in response to automatic updates to the electronic documents.

73. The method of claim 75, further comprising the steps of downloading new pagelets from the internet, adding the new pagelets to an electronic catalog, copying selected ones of the new pagelets from the electronic catalog to the electronic book, and performing the specific functions of one of the new pagelets in the electronic book.

74. The method of claim 73, further comprising the step of automatically updating the electronic documents and adding new electronic documents in response to a subscription in the electronic catalog.

75. A method for organizing and using electronic documents, the method comprising the steps of:

organizing a multiplicity of electronic documents originating from a plurality of sources and supplied in various forms using a book metaphor so that the documents are arranged as pages in chapters in an electronic book;

adding to the electronic book further pages that have a common architecture and that are each usable in other electronic books (the further pages are denoted pagelets), the pagelets being computer programs that perform different specific functions related to the electronic documents in the electronic books in which the pagelets are operated, the specific functions accessing and altering a structure of the electronic book and being distinct from functions accessing contents referenced by the pages of the electronic book; and

performing the specific functions of one of the pagelets in the electronic book.

76. A method of organizing electronic documents in an electronic book, the method comprising the steps of:

arranging a plurality of electronic documents originating from a plurality of sources and supplied in various forms in an electronic book in an arrangement in which the electronic documents are pages in chapters in the electronic book;

adding to the electronic book one or more further pages,

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denoted pagelets, that are computer programs for altering the arrangement of the electronic book, the pagelets having a common architecture so as to be usable in other electronic books and a standardized interface that is independent of computer languages used in the computer programs; and

altering the arrangement of the electronic book by executing one of the pagelets.

77. The method of claim 76, wherein the adding step comprises the steps of selecting one of the pagelets from an external source of the pagelets, adding the selected pagelet as a page to a catalog for the pagelets, the page having a description of the selected pagelet readable by a user of the electronic book, and copying the selected pagelet to the electronic book.

78. A method of organizing electronic documents in an electronic book, the method comprising the steps of:

arranging a plurality of electronic documents originating from a plurality of sources and supplied in various forms in an electronic book in an arrangement in which the electronic documents are pages in chapters in the electronic book;

an adding step for adding to the electronic book one or more pagelet means for altering the arrangement of the

electronic book, the pagelet means having a common architecture

so as to be usable in other electronic books and a standardized

interface that is independent of computer languages used in the

computer programs; and

altering the arrangement of the electronic book by

executing one of the pagelet means.

9.  <u>Evidence Appendix</u>

None

10. <u>Related Proceedings Appendix</u>

None